

ADOPTION LEAVE AND PAY POLICY

INTRODUCTION

This policy outlines entitlement to Adoption Leave and Pay for Tayside Contracts' employees.

SCOPE OF POLICY

This policy applies to all employees working at all levels and grades within Tayside Contracts and should be read in conjunction with the Shared Parental Leave Policy.

It applies to parents using surrogacy to have a child, primary adoptive parents adopting a child or approved carers who are matched with a child requiring permanent care.

ADOPTION LEAVE ENTITLEMENT

You are entitled to Adoption Leave when adopting a child in the UK provided that you:

- ✓ Have been matched with a child by an approved UK adoption agency.
- ✓ Are, or expect to be, the parents of a child under a parental order.
- ✓ Are surrogate parents.
- ✓ Comply with Tayside Contracts notification, evidence and declaration requirements.

You are entitled to adoption leave when adopting a child from overseas provided that you:

- ✓ Have official notification from the relevant UK authority of your eligibility to adopt a child from abroad.
- ✓ Comply with Tayside Contracts notification, evidence and declaration requirements.

If you qualify, statutory adoption leave consists of:

- Ordinary Adoption Leave (OAL) of 26 weeks.
- Additional Adoption Leave (AAL) of 26 weeks which must be taken immediately after OAL.

It is up to you to decide how much adoption leave you want to take, up to the 52 week maximum. If you are part of a couple adopting jointly only one of you may take Statutory Adoption Leave and Pay. If you are adopting individually only you may take Statutory Adoption Leave and Pay, although your partner may be eligible for Statutory Paternity Leave and Shared Parental Leave.

ADOPTION PAY ENTITLEMENTS

You may be eligible for Adoption Pay during adoption leave providing you meet the following eligibility criteria.

Statutory Adoption Pay

To qualify for Statutory Adoption Pay (SAP) you must have been employed for a period of at least 26 continuous weeks by the week you are matched with a child **and** you must earn above the NI Lower

Earnings Limit. Continuous service will include continuous service with any other public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.

Statutory Adoption Pay is paid for 39 weeks. 6 weeks at 90% of your average weekly pay followed by 33 weeks at a fixed rate or 90% of your average weekly pay, whichever is the lower.

If eligible, you will start to receive your SAP on the date specified in your notice, provided you start your leave on this date. If the start of your adoption leave is triggered by your child being placed while you are on annual leave, your adoption pay will start on the date of placement.

Occupational Adoption Pay

Provided you have at least 26 weeks continuous service by 15 weeks before the date of placement and you are returning to work following your adoption leave you are entitled to Occupational Adoption Pay (OAP).

If eligible for OAP this will be paid for a period of 12 weeks following the first 6 weeks of your adoption leave at the rate of 50% of your average weekly pay. This is paid in addition to SAP to a maximum of your average full weekly pay.

If you receive OAP you must return to work for Tayside Contracts following adoption leave for at least 3 months (excluding sick leave). If you fail to do so you will be required to refund the 12 weeks OAP.

You may elect to suspend payment of OAP until you return to work.

Enhanced Occupational Adoption Pay

Provided you have at least one year's continuous service with Tayside Contracts (not continuous public authority service) by 15 weeks before the date of placement and you are returning to work following your adoption leave you are entitled to Enhanced Occupational Adoption Pay (EOAP).

If eligible for EOAP this will be paid for the first 24 weeks of your adoption leave. The first 12 weeks will be paid at your average full weekly pay (which will include SAP where applicable). The second 12 weeks will be paid at the rate of 50% of your average weekly pay in addition to SAP to a maximum of your average full weekly pay.

If you receive EOAP you must return to work for Tayside Contracts following adoption leave for at least 3 months (excluding sick leave). If you fail to do so you will be required to refund the 24 weeks EOAP.

You may elect to suspend payment of EOAP until you return to work.

The table below details the SAP/OAP/EOAP payments you may be entitled to dependant on your length of service:

SERVICE	RETURNING TO WORK?	ENTITLED TO SAP?	PAYMENTS
Less than 26 weeks.	Yes/No	No	Nil from Tayside Contracts but you may be able to get assistance from your local Council.
At least 26 weeks.	No	Yes	6 weeks at 90% pay (SAP) 33 weeks at standard rate SAP or 90% pay *
At least 26 weeks.	No	No	Nil from Tayside Contracts but you may be able to get assistance from your local Council.
At least 26 weeks.	Yes	Yes	6 weeks at 90% pay (SAP) 12 weeks at half pay plus SAP ** 21 weeks at standard rate SAP or 90% pay *
At least 26 weeks.	Yes	No	12 weeks at half pay **
At least 52 weeks.	Yes	Yes	12 weeks at full pay (inclusive of SAP) 12 weeks at half pay plus SAP ** 15 weeks at standard rate SAP or 90% pay *
At least 52 weeks.	Yes	No	12 weeks at full pay 12 weeks at half pay

* whichever is the lower.

** to a maximum of average full weekly pay

HOW TO APPLY FOR ADOPTION LEAVE AND PAY

Starting Adoption Leave

For UK adoptions the earliest that adoption leave and Statutory Adoption Pay (SAP) can begin is 14 days before the expected date of placement of the child and the latest it can start is on the date of placement itself. For overseas adoptions the earliest that adoption leave and SAP can start is the date the child enters the UK and the latest it can start is 28 days after the child has entered the UK.

However, adoption leave will begin automatically if your child is unexpectedly placed with you during a period of annual leave.

If you have used a surrogate to have a child your leave can begin on the day or the day after the child is born.

Application for Adoption Leave

You must complete and submit an 'Application for Adoption Leave' form to the HR Admin Team, as early as possible but no later than within 7 days of being notified by the adoption agency that the date of placement of a child is confirmed, where this is reasonably practicable. Your application must be accompanied by an adoption certificate, matching certificate or equivalent documentation from the adoption agency, along with a signed form SC6 if you and your partner are adopting child from overseas.

If the date of your placement, or UK arrival date, changes, you must notify us within 28 days where this is reasonably practicable.

ADOPTION APPOINTMENTS

If you are the primary adopter you are entitled to take paid time off to attend up to five adoption appointments and if you are the secondary adopter you are entitled to take unpaid time off for up to two appointments. If you are having your baby through a surrogacy arrangement you are entitled to unpaid time off to accompany your surrogate to up to two antenatal appointments.

You will be required to produce documentation in support of any request for time off.

You will not be required to repay monies if you subsequently withdraw the application to adopt or are counselled not to continue.

KEEPING IN TOUCH DAYS

You may, by agreement with your line manager, do up to 10 Keeping in Touch (KIT) days, under your contract of employment during your adoption leave period. These days are different from simply making contact with your manager (and vice versa), as during these days you can actually carry out work for Tayside Contracts and be paid. The type of work to be undertaken on a KIT day is a matter for agreement between you and your line manager and it may include attendance at a team meeting or training event.

Tayside Contracts cannot make you work during adoption leave if you do not wish to and there is no obligation on Tayside Contracts to offer or agree to a KIT day. KIT days may be undertaken at any stage during the adoption leave period, by agreement with Tayside Contracts.

To request to undertake a Keeping in Touch day please submit a written request to the Head of your Unit/Division.

SHARED PARENTAL LEAVE

Employees adopting children may be entitled to Shared Parental Leave (SPL). Providing you satisfy the eligibility criteria, you can choose to curtail your adoption leave after the minimum two weeks and share the remaining 50 weeks with the secondary adopter. Full details can be found in the Shared Parental Leave Policy.

ANNUAL LEAVE AND PUBLIC HOLIDAYS

You accrue annual leave including public holidays throughout your adoption leave. You may, subject to prior approval from your line manager, take annual leave which will accrue during your adoption leave prior to commencing your leave.

Term Time Employees Annual Leave and Public Holiday Entitlement

If you are employed on a term time only basis you will accrue annual leave and public holidays throughout your adoption leave. Payment in lieu of the accrued leave will be made upon your return to work.

CONTRACTUAL NON-CASH BENEFITS

You will continue to receive all contractual non-cash benefits other than pay during adoption leave. This does not relate to non-cash benefits provided for business use only.

PENSION CONTRIBUTIONS

Your pension contributions will continue to be deducted from any pay during adoption leave, however if you take a period of unpaid adoption leave, all benefits accrued in the Pension Fund will be frozen until payments recommence on your return to work. If you do not wish to have a break in your pension membership, you must inform the Payroll Team within 30 days of returning to work.

SICKNESS ABSENCE ENTITLEMENT

You cannot receive Statutory Sick Pay (SSP) whilst being paid SAP. Should you be unable to return to work on your expected return date due to illness, the provisions of the Sickness Absence Management Policy will apply with regard to notification, certification and payment of sickness allowance.

RETURNING TO WORK AFTER ADOPTION LEAVE

You will be formally advised in writing of the end date of your adoption leave and you will be expected to return to work on the next working day following this date unless you inform us otherwise. Should you wish to return to work earlier or later than the agreed return date you must provide written notice giving a minimum of eight weeks' notice of your preferred return to work date. Failure to give the required 8 weeks' notice or an earlier return date may result in Tayside Contracts postponing your return until 8 weeks' notice has been given (although this cannot be postponed past the end of the 52-week period).

You have the right to return to your original job on return from ordinary adoption leave if the period of leave taken is 26 weeks or less.

If the leave taken is more than 26 weeks you have the right to return to your original job, unless this is not reasonably practicable. If it is not reasonably practicable you have the right to return to a similar job on the same terms and conditions.

If you wish to return on a part-time, job share or flexible working basis, you must submit your flexible working request at least 8 weeks before your return.

Temporary/Fixed Term Employees

If you are employed on a temporary fixed term contract, you will retain the right to return to your original job or similar job where:

- ✓ You return to work following adoption leave before the end of your temporary/fixed term contract.
- ✓ An extension to the temporary/fixed term contract is appropriate irrespective of whether you are on adoption leave.

Should your contract expire during the adoption leave period and no extension is offered, you will receive any statutory payments and occupational payments you are entitled to.

RELATED POLICIES

The Adoption Leave and Pay policy links to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Job Sharing Policy
- Maternity/Adoption Support and Paternity Leave Policy
- Parental Leave Policy
- Request for Flexible Working Policy
- Shared Parental Leave Policy
- Time off for Dependents Policy

The above list is not exhaustive.

APPLICATION

Should you require an Application for Adoption Leave form or any further information regarding the above policy or related policies please contact the HR Admin Team on 01382 812721.

POLICY REVIEW

The Adoption Leave and Pay Policy will be reviewed at three yearly intervals, or as required by legislative changes.

GENERAL DATA PROTECTION REGULATION

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk

If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or angie.thompson@tayside-contracts.co.uk